



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,050	06/28/2001	Leif Wilhelmsson	P13949-US2	5408
27045	7590	03/31/2009	EXAMINER	
ERICSSON INC.			DEANE JR, WILLIAM J	
6300 LEGACY DRIVE			ART UNIT	PAPER NUMBER
M/S EVR 1-C-11				2614
PLANO, TX 75024				
			MAIL DATE	DELIVERY MODE
			03/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09894050	6/28/2001	WILHELMSSON ET AL.	P13949-US2

EXAMINER

William J. Deane

ART UNIT	PAPER
----------	-------

2614 20090329

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Response to Amendment

The reply filed on 01/23/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See 37 CFR 1.111.

Specifically, applicant is required to respond with an RCE/CPA as discussed over the phone and noted in the Interview Summary dated 01/22/2009.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

29Mar2009

/William J Deane/

Primary Examiner, Art Unit 2614



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,050	06/28/2001	Leif Wilhelmsson	P13949-US2	5408
27045	7590	01/22/2009	EXAMINER	
ERICSSON INC.			DEANE JR, WILLIAM J	
6300 LEGACY DRIVE			ART UNIT	PAPER NUMBER
M/S EVR 1-C-11			2614	
PLANO, TX 75024				
			MAIL DATE	DELIVERY MODE
			01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	09/894,050	WILHELMSSON ET AL.	
	Examiner William J. Deane	Art Unit 2614	

All participants (applicant, applicant's representative, PTO personnel):

(1) William J. Deane. (3) _____.

(2) Mr. Cameron. (4) _____.

Date of Interview: 14Jan2009.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 40 - 113.

Identification of prior art discussed: None.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Cameron called to discuss the restriction requirement that was issued in the previous Office Action. After reading MPEP 821.03, Mr. Cameron agreed that the Office Action was correct. Mr. Cameron said that he would probably file an RCE or CPA shortly.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

<u>William J Deane/ Primary Examiner, Art Unit 2614</u>	
---	--

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Leif Wilhelmsson, et al.

Docket No.

P13949-US2

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/894,050	June 28, 2001	Deane Jr, William J	27045	2642	5408

Invention: **METHOD AND SYSTEM FOR DYNAMIC CARRIER SELECTION**

COMMISSIONER FOR PATENTS:

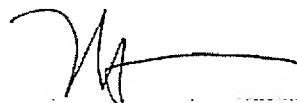
Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	1 -	74 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	1 -	4 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. 50-1379 in the amount of \$0.00
- A check in the amount of to cover the filing fee is enclosed.
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-1379
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.



Signature

Michael Cameron
Reg No. 50,298

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, TX 75024

Dated: January 23, 2009

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that the correspondence is being deposited with the United States Postal Service, with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, O.R. Box 1450, Alexandria, VA 22313-1450, in tempo envelope if necessary, or to be scanned via EFS, on the 13th day of January 2009, the date indicated below.

Nancy J. Todd
Signature

January 23, 2009

Depositor's Name and Date

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Leif Wilhelmsson, et al. § Group Art Unit: 2642
Serial No: 09/894,050 § Examiner: Deane Jr, William J
Filed: June 28, 2001 § Confirmation No.: 5408
§

For: METHOD AND SYSTEM FOR DYNAMIC CARRIER SELECTION

Via EFS-Web

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

<u>CERTIFICATE OF MAILING OR TRANSMISSION</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or being transmitted via facsimile or EFS-Web to the USPTO on the date indicated below.	
Date:	January 23, 2009
Nancy J. Todd	

AMENDMENT

In response to the Restriction Requirement dated December 23, 2008, the Applicants submit the following amendments and remarks. In accordance with a telephone conference with the Examiner, Applicant cancels claims 40-113 and files such claims in a Divisional Application claiming priority to the present case. New claim 114 corresponds generally to previously canceled claim 10, which incorporated previously canceled claims 1, 2, 3, 6, 8, and 9.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims

What is claimed is:

1. - 113. (Cancelled)

114. (New) A dynamic carrier-selection method comprising the steps of:
creating a candidate carrier list from a plurality of carriers;
changing from a first carrier of the plurality of carriers to a second carrier of the plurality of carriers in response to a determination that the quality of the first carrier is not acceptable, the second carrier being included in the carrier list, wherein the second carrier is the carrier, other than the first carrier, having the greatest measured quality wherein the quality of the plurality of carriers is measured with reference to interference based on a carrier-signal-to-interference-signal strength ratio (C/I) wherein I comprises external interference and self interference, and multi-path fading;
measuring a quality of each of the plurality of carriers;
ranking the plurality of carriers according to the measured quality, wherein the candidate carrier list is created in accordance with the ranking of the plurality of carriers;
re-measuring the quality of each of the plurality of carriers;
re-ranking the plurality of carriers according to the re-measured quality; and
updating the candidate carrier list in accordance with the re-ranking of the plurality of carriers.

Claim Rejection 102(b)

New claim 114, corresponding to previously canceled claim 10, stands rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/48586 (Posti). According to the Examiner, Posti teaches a dynamic carrier selection method in which a carrier candidate list is created and changing from one carrier to another when the quality of the first carrier is not acceptable. However, Posti fails to disclose the feature of the second carrier being the carrier, other than the first carrier, having the greatest measured quality wherein the quality of the plurality of carriers is measured with reference to interference based on a carrier-signal-to-interference-signal strength ratio (C/I) wherein I comprises external interference *and self interference*.

Inasmuch as Posti is directed to a time division GSM system, it does not measure self interference when determining quality. The present invention is directed to, *inter alia*, a code division or a frequency hopping scheme wherein the measurement of self interference would be an important criteria in determining the carrier to use.

CONCLUSION

In view of the foregoing remarks, the Applicants believe claim 114 currently pending in the Application to be in a condition for allowance.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Michael Cameron
Registration No. 50,298

Date: January 23, 2009
Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024
(972) 583-4145
michael.cameron@ericsson.com